



**US Army Corps
Of Engineers**
Wilmington District

PUBLIC NOTICE

Issue Date: August 3, 2007
Comment Deadline: August 31, 2007
Corps Action ID #: 2007-02122-345

The Wilmington District, Corps of Engineers (Corps) has received an application from Waterway Ventures, LLC seeking Department of the Army authorization to impact 953 linear feet of an unnamed tributary to Little Creek and 0.007 acres of wetlands associated with the construction of an open water impoundment as a recreational amenity to a proposed residential development on a 36 acre site located on Lloyd Williams Road, 3.5 miles southwest of Bat Cave, Henderson County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Waterway Ventures, LLC
1101 Second Avenue North
North Myrtle Beach, South Carolina 29582

Agent: Mr. Jeffrey Burleson
The Brigman Company
Post Office Box 1532
Conway, South Carolina 29528

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act (33 U.S.C. 1344).

Location

The subject property is located south of US Highway 64, 3.5 miles southwest of Bat Cave, at 480 Lloyd Williams Road, Edneyville, Henderson County, North Carolina (35.4040°N, - 82.2994°W).

Existing Site Conditions

The majority of the site is currently comprised of mature mixed pine/hardwood low mountain alluvial forest. Elevations range from approximately 2,250 feet to 2,650 feet. The majority of the site has steep topography with exposed bedrock near the stream channel. Currently, there is an existing access road, a storage building and two cabins onsite.

The main stream that runs from south to north through the property is a perennial stream and an unnamed tributary to Little Creek, located in the Broad River watershed (03050105). The stream receives perennial flow from groundwater and storm water inputs. There is a well established bed and bank with riffle/pool sequences. Macroinvertebrate organisms and amphibians are present in the stream. Another perennial stream runs through the western portion of the property and has a riffle/pool sequence with varied substrate. The quality of this stream is degraded due to sediment and gravel input from a roadway located upstream. An additional tributary to the main stream runs from south to north and is an abandoned perennial stream. It is considered ephemeral from its origin for an undermined length and then intermittent to its confluence with the main perennial channel. The ephemeral channel contains vegetation in the channel and no water dependent biological organisms. The intermittent portion is of average quality and receives flow from storm events and groundwater input. Little Creek is a headwater tributary to the Broad River. The Broad River ultimately flows to the Atlantic Ocean through the Congaree and Santee Rivers in South Carolina. The wetland onsite is 0.007 acres in size and is an area historically excavated for road fill. Wetland quality is considered poor with 2-3 feet of standing water and vegetation located growing along the perimeter.

Applicant's Stated Purpose

As provided by the applicant, the purpose/need of this impoundment is to raise stocked trout for commercial catch out, provide a recreational amenity to a proposed residential mountain development, and provide a water point for fire suppression to the Edneyville community.

Project Description

The applicant proposes to impact 0.007 acre of wetland and approximately 953 linear feet of stream channels in the 36-acre project area in order to create an open water impoundment. The applicant proposes to construct an earthen dam by placing 100 linear feet of fill into intermittent and perennial stream channels. The applicant is proposing to flood 0.007 acre of wetlands, 690 linear feet of perennial stream, and 163 linear feet of intermittent stream. Additionally, the applicant proposes to work with the Edneyville Fire Department to construct a dry hydrant system for fire suppression.

Proposed impacts:

Impact Type	Perennial Stream Channel	Intermittent Stream Channel	Wetland
Fill (from Dam)	50	50	-----
Flooding	690	163	0.07

As mitigation, the applicant proposes to provide an “in-lieu” payment to the North Carolina Ecosystem Enhancement Program (NCEEP). The payment into NCEEP is proposed to compensate for impacts associated with dam construction to 100 linear feet of stream channel at a 2:1 ratio, and for flooding 853 linear feet of stream channel at a 0.5:1 ratio. The applicant proposes to supply mitigation for a total of 627 linear feet of stream channel. Additionally, the applicant proposes to preserve the remaining perennial streams onsite through a perpetual easement and conservation agreement. The amount of stream preservation proposed by the applicant totals 3,656 linear feet with a 50-foot buffer on each side when possible.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice combined with appropriate application fee at the North Carolina Division of Water Quality central office in Raleigh will constitute initial receipt of an application for a 401 Water Quality Certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by August 31, 2007.

Essential Fish Habitat

This notice initiates the Essential Fish Habitat (EFH) consultation requirements of the Magnuson-Stevens Fishery Conservation and Management Act. The Corps’ initial determination is that the proposed project will not adversely impact EFH or associated fisheries managed by the South Atlantic or Mid Atlantic Fishery Management Councils or the National Marine Fisheries Service.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps is not aware of the presence of species listed as threatened or endangered or their critical habitat formally designated pursuant to the Endangered Species Act of 1973 (ESA) within the project area. A final determination on the effects of the proposed project will be made upon additional review of the project and completion of any necessary biological assessment and/or consultation with the U.S. Fish and Wildlife Service and/or National Marine Fisheries Service.

Evaluation

The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

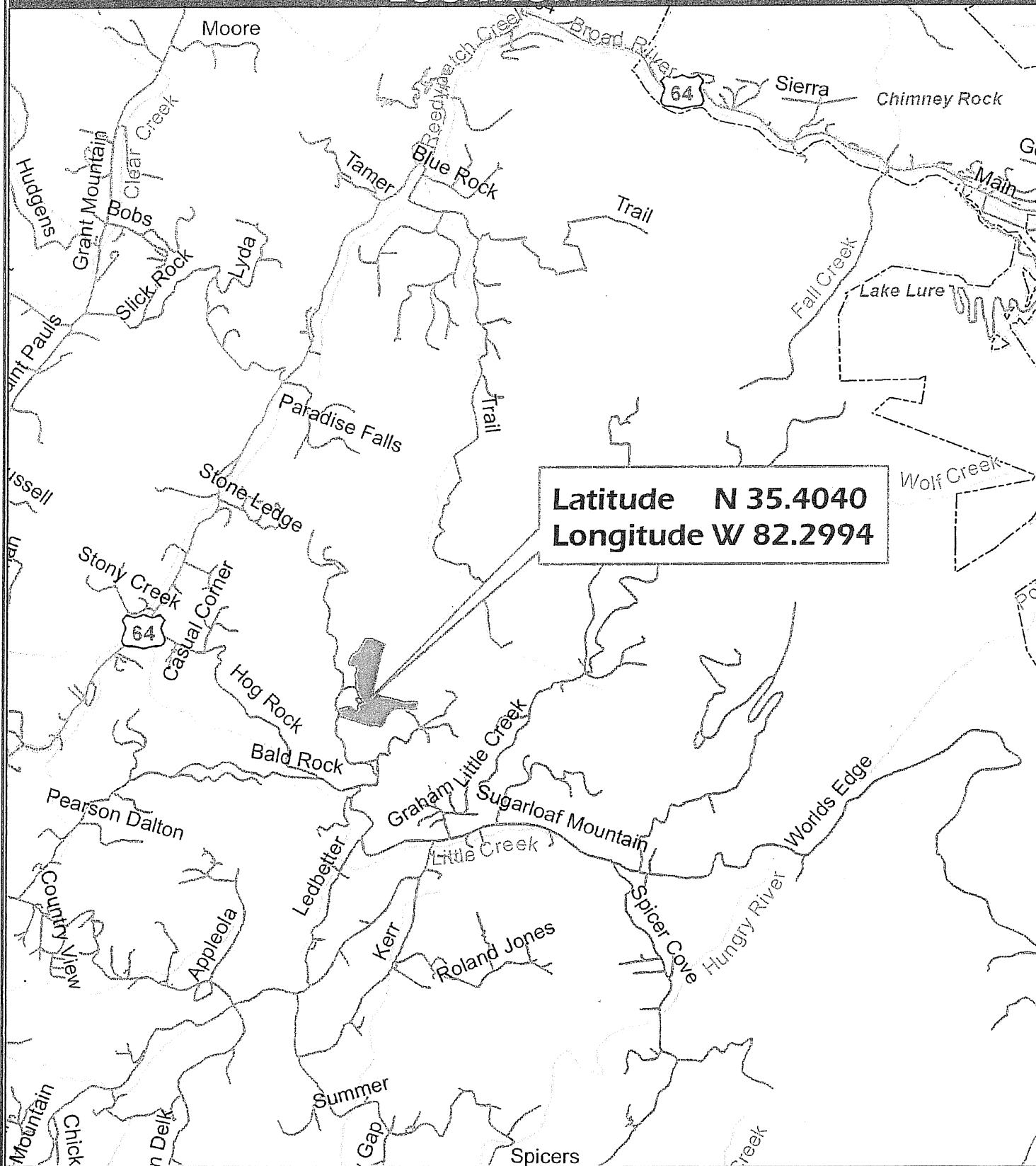
The Corps of Engineers is soliciting comments from the public; Federal, State and local agencies and officials, including any consolidate State Viewpoint or written position of the Governor; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an

Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, August 31, 2007. Comments should be submitted to Ms. Liz Hair, Asheville Regulatory Field Office, 151 Patton Avenue, Room 208, Asheville, North Carolina, 28801-5006.

LOCATION MAP



FORK MOUNTAIN IMPOUNDMENT

HENDERSON COUNTY

DATE: 05/01/07

DATE Revised:

Application No. _____

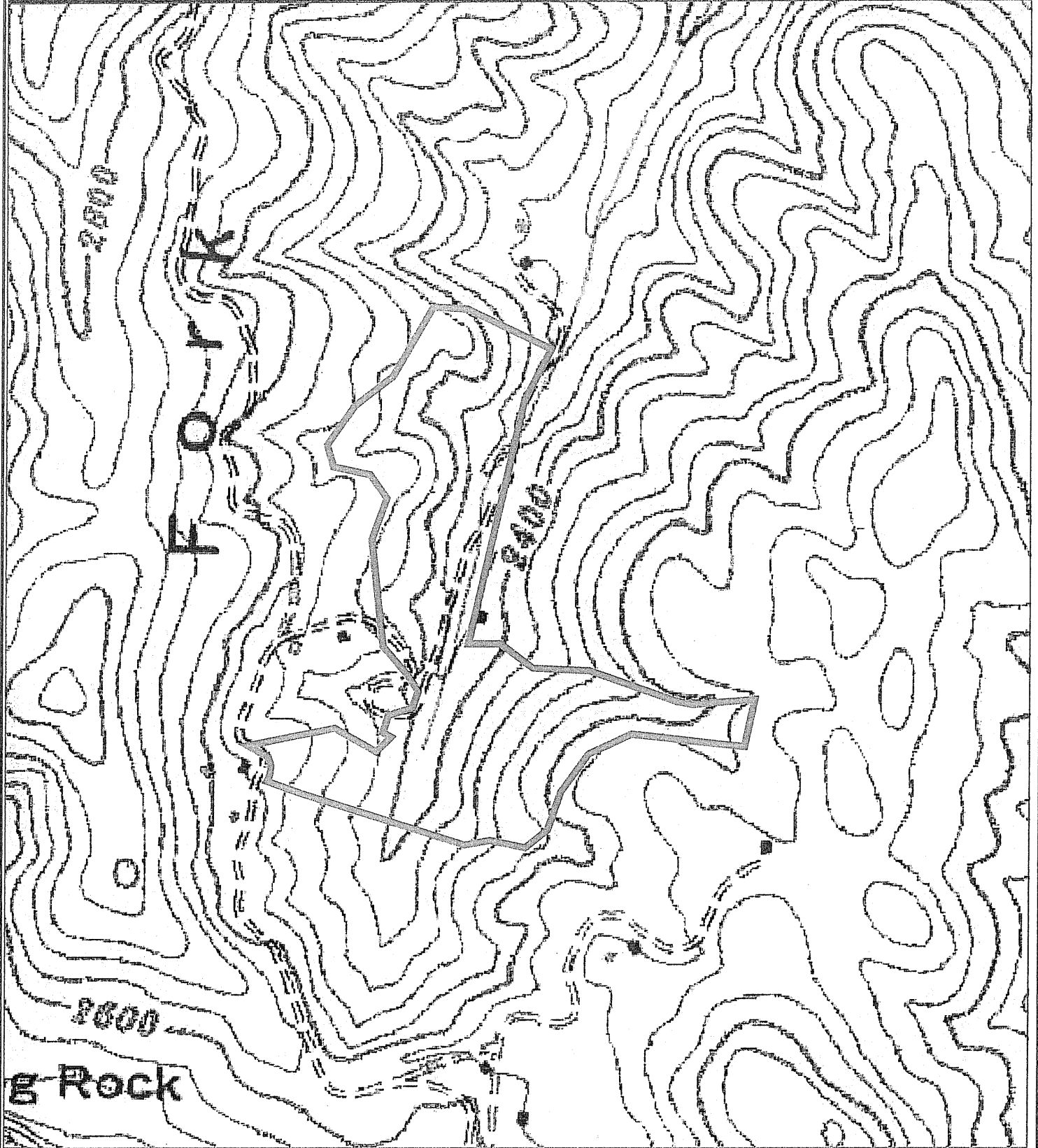


FIGURE
1

PROPOSED ACTIVITY:
Impoundment

APPLICANT:
WATERWAY VENTURES, INC.
1101 SECOND AVENUE NORTH
NORTH MYRTLE BEACH, SC 29582

USGS TOPOGRAPHY MAP



FORK MOUNTAIN IMPOUNDMENT

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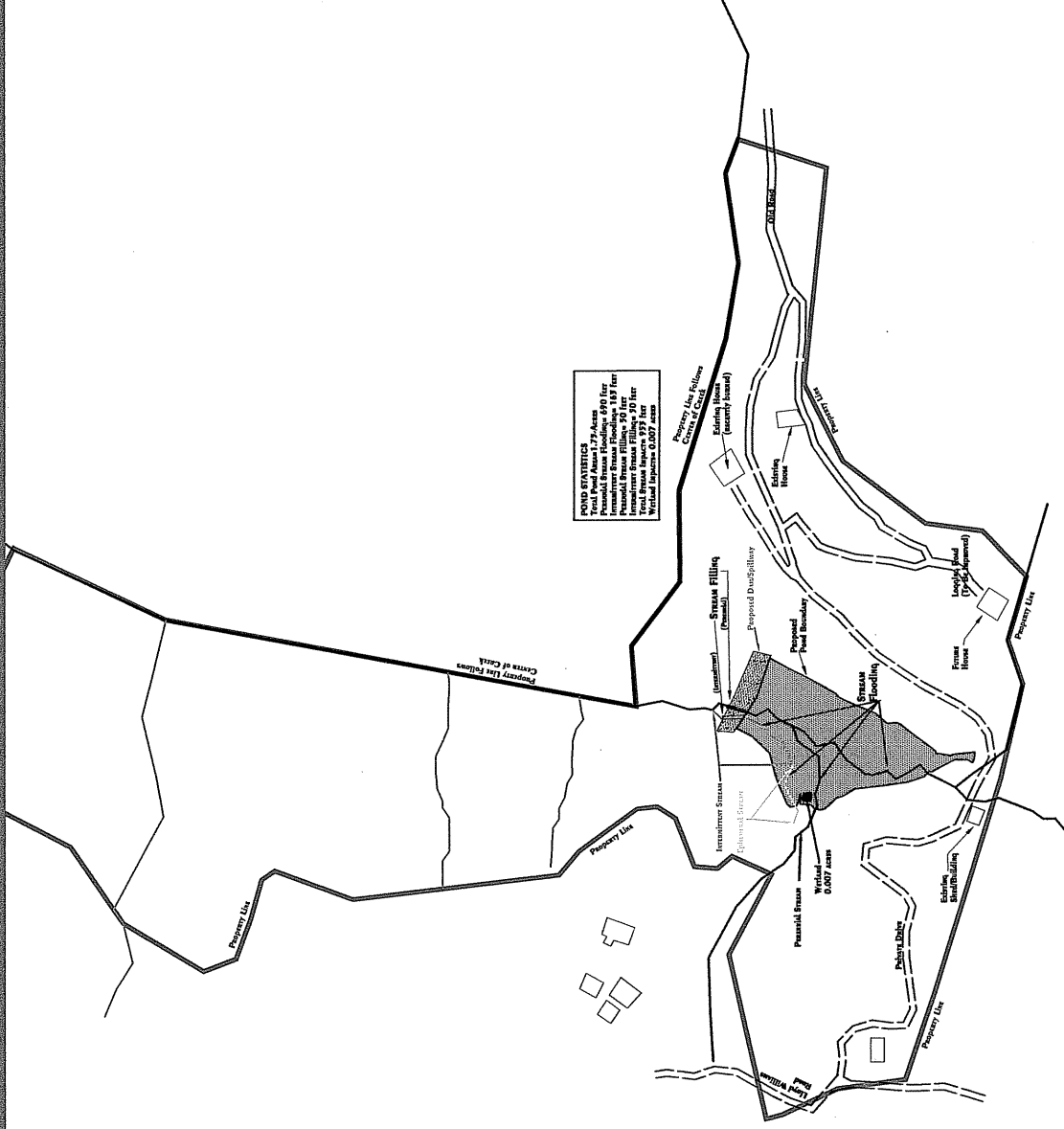


FIGURE
2

PROPOSED ACTIVITY:
Impoundment

APPLICANT:
WATERWAY VENTURES, INC.
1101 SECOND AVENUE NORTH
NORTH MYRTLE BEACH, SC 29582

OVERALL VIEW



FORK MOUNTAIN IMPOUNDMENT

HENDERSON COUNTY

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DATE REVISED:

Application No.



FIGURE



SCALE IN FEET

400' 0 400'

PLAN VIEW

POND STATISTICS
 Total Pond Area= 1.75 Acres
 Perennial Stream Flooding= 690 feet
 Intermittent Stream Flooding= 163 feet
 Perennial Stream Filling= 50 feet
 Intermittent Stream Filling= 50 feet
 Total Stream Impacts= 953 feet
 Wetland Impacts= 0.007 acres

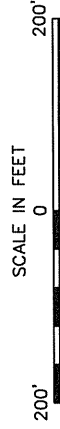
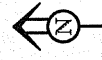
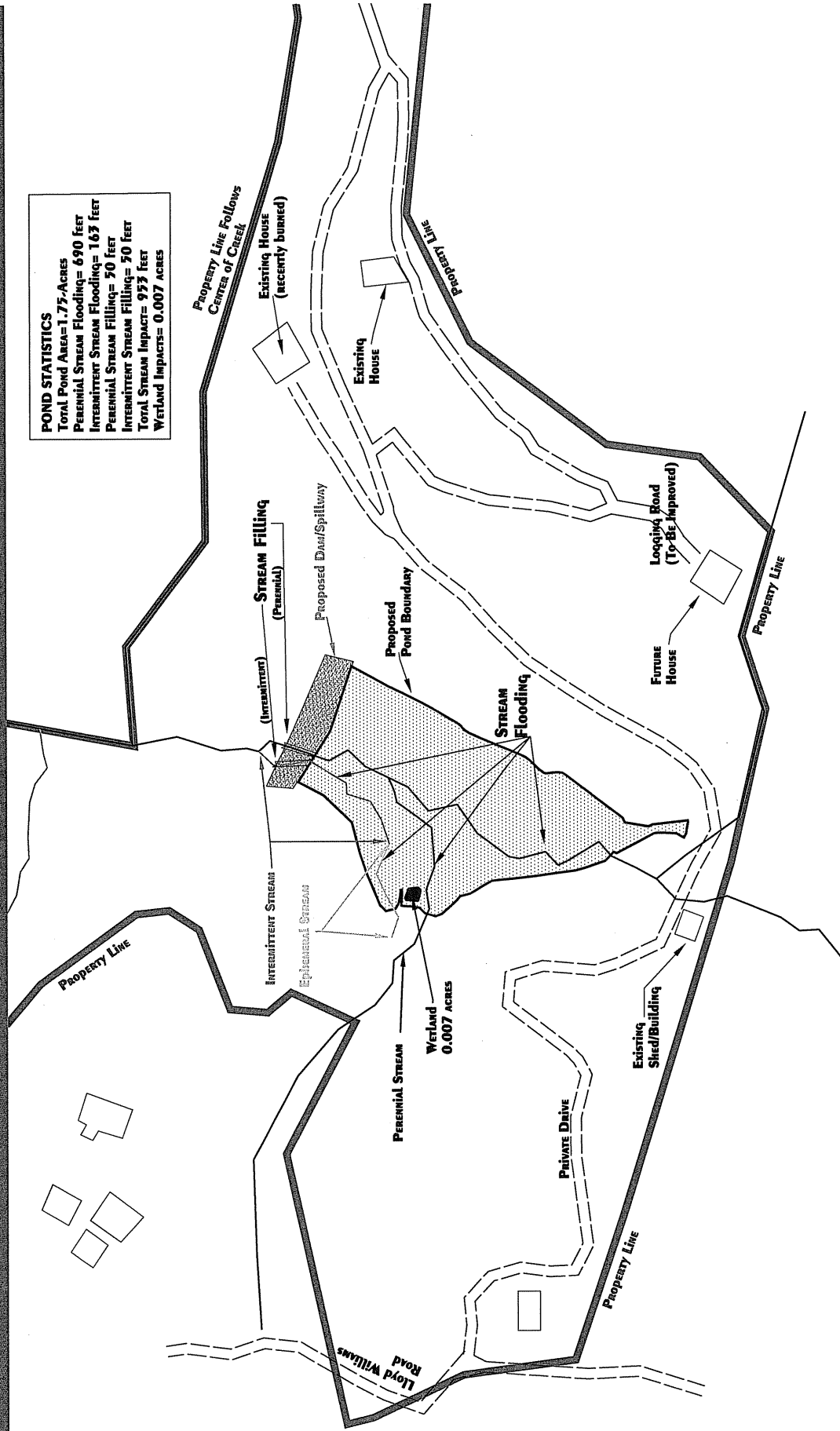


FIGURE 4

FORK MOUNTAIN IMPOUNDMENT

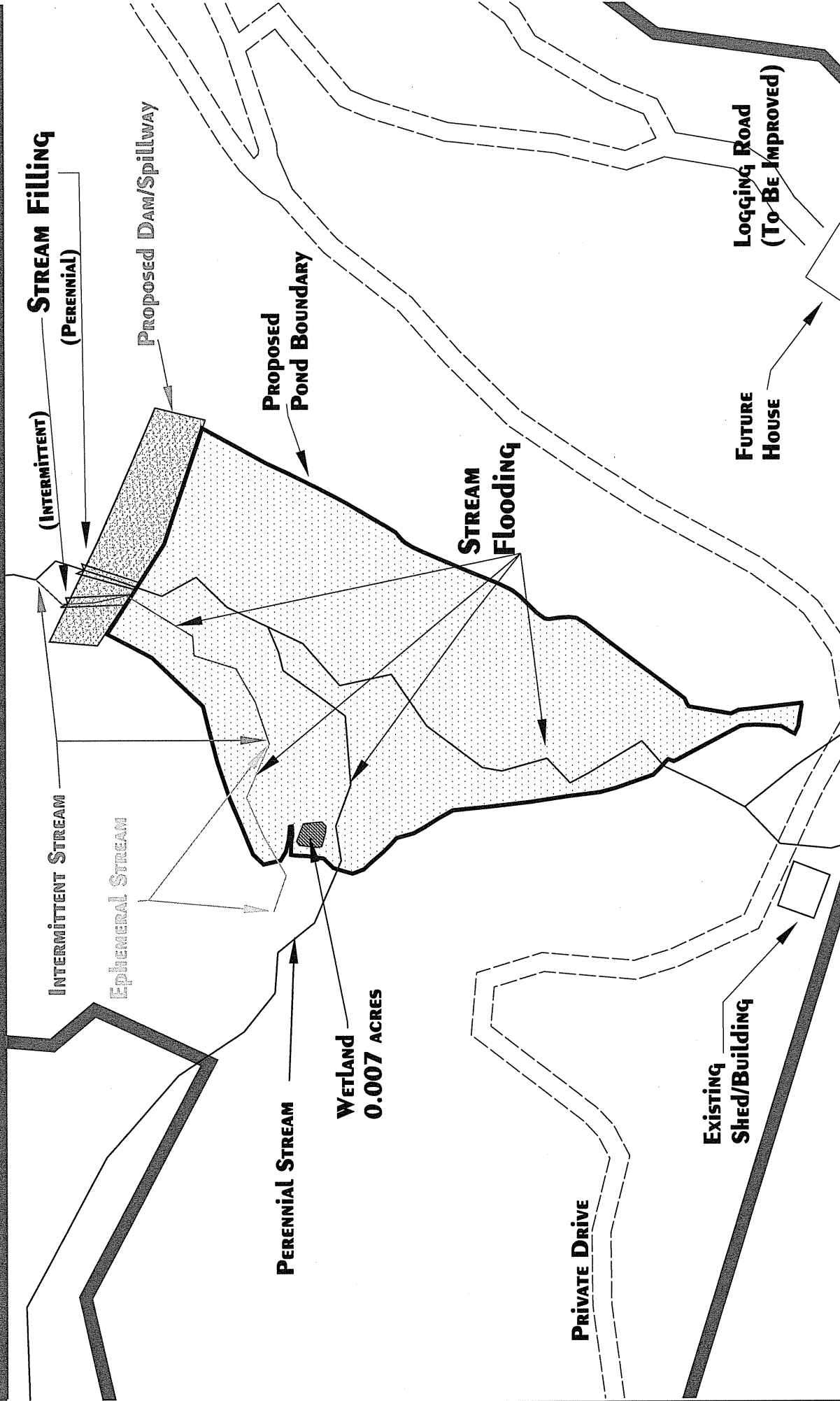
HENDERSON COUNTY

DATE: 5/1/07

DATE REVISED:

Application No. _____

PLAN VIEW 2



FORK MOUNTAIN IMPOUNDMENT

HENDERSON COUNTY

DATE: 5/1/07

DATE REVISED:

Application No. _____



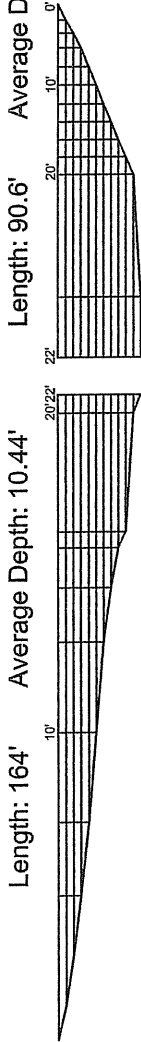
SCALE IN FEET
0 100'

FIGURE 5

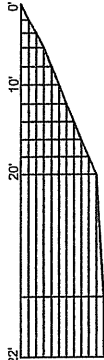
CROSS SECTION 1

Total Average Depth: 12.14'

Cross Section View Facing Dam

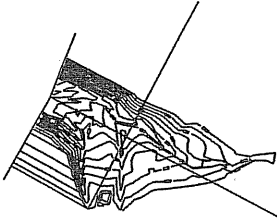


Length: 164' Average Depth: 10.44'



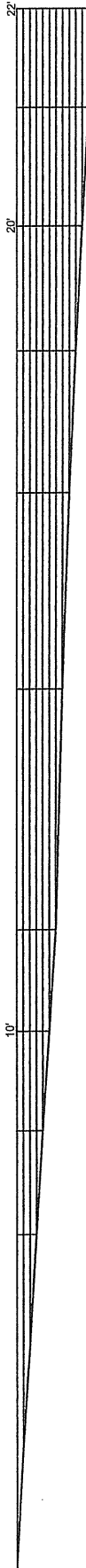
Length: 90.6' Average Depth: 15.90'

Cross Section Views



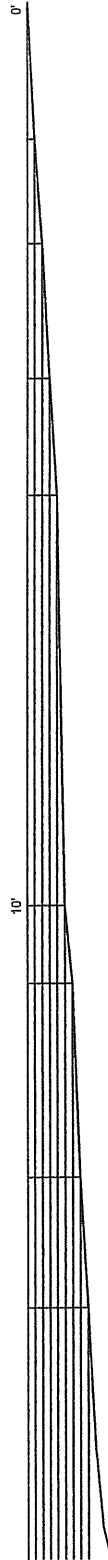
East Side Profile View

Length: 436.7' Average Depth: 12.37'



West Side Profile View

Length: 382.4' Average Depth: 9.84'



FORK MOUNTAIN IMPOUNDMENT

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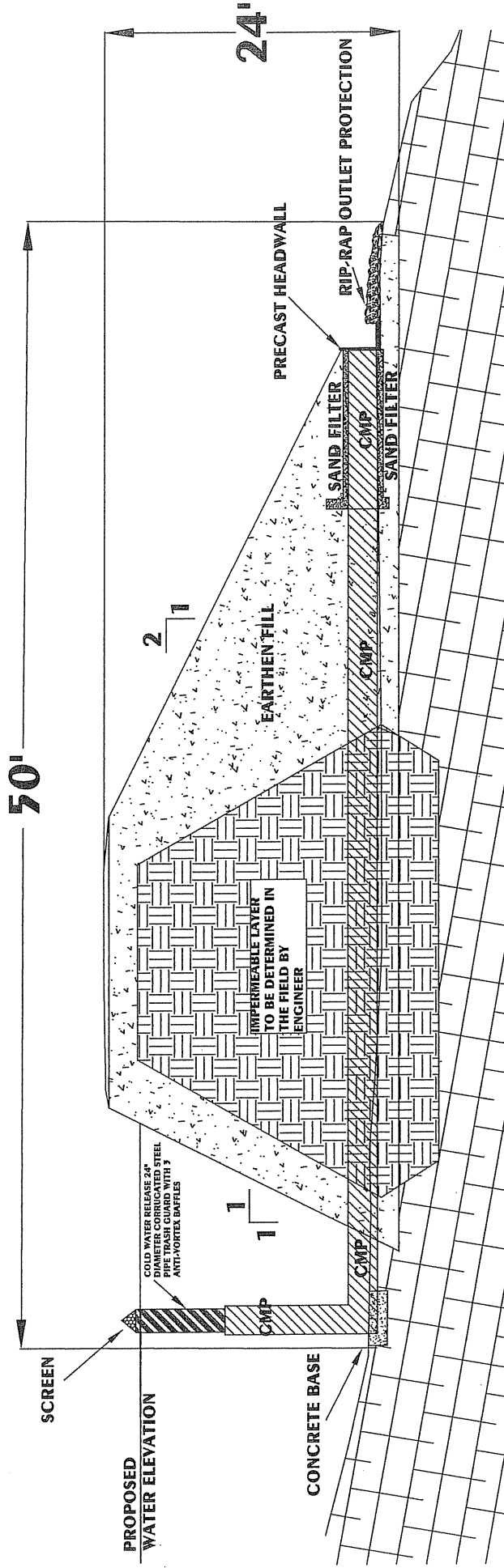


FIGURE

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CROSS SECTION 2

SIDE VIEW
N.T.S.



FORK MOUNTAIN IMPOUNDMENT

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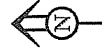
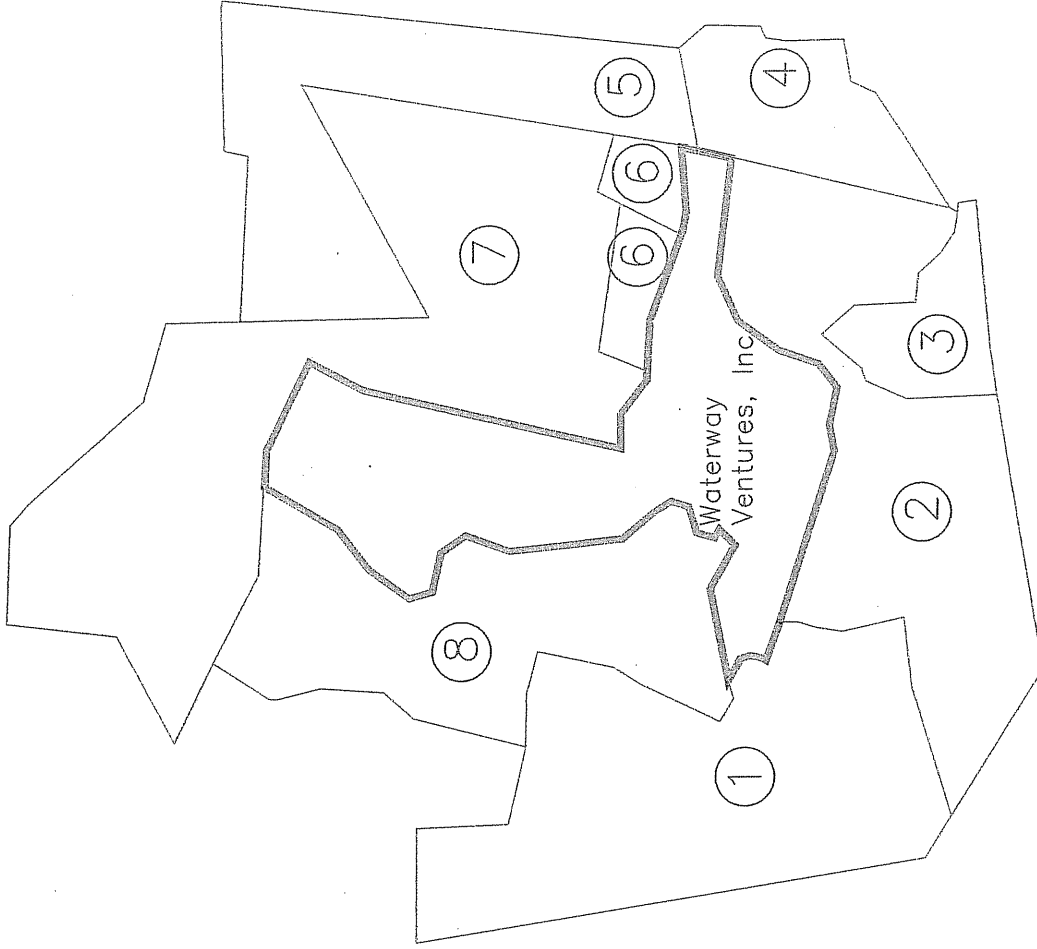


FIGURE
7

ADJACENT LANDOWNERS MAP

- 1 – Edythe Capps Dunlap, Elaine
Nix & Edwin O. Shields
2001 Fruitland Road
Hendersonville, NC 28792
- 2 – Edwin G. & Wife Nix
2001 Fruitland Road
Hendersonville, NC 28792
- 3 – Robert F. & Marguarite Randall
226 Dogwood Drive
Mr. Holly, NC 28120
- 4 – Joan Engle
P. O. Box 336
Mountain Home, NC 28758
- 5 – Hazel H. Schildt
1200 Irongate Drive
Monroe, NC 28110
- 6 – Gary Wesley Jackson
P. O. Box 46
Edneyville, NC 29727
- 7 – Wesley Grant Jackson
C/O Lila L. Jackson
115 Will Hill Road
Edneyville, NC 29727
- 8 – Lucille Williams
1004 Parks Ferry Road
Friendsville, TN 37737



FORK MOUNTAIN IMPOUNDMENT HENDERSON COUNTY

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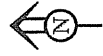
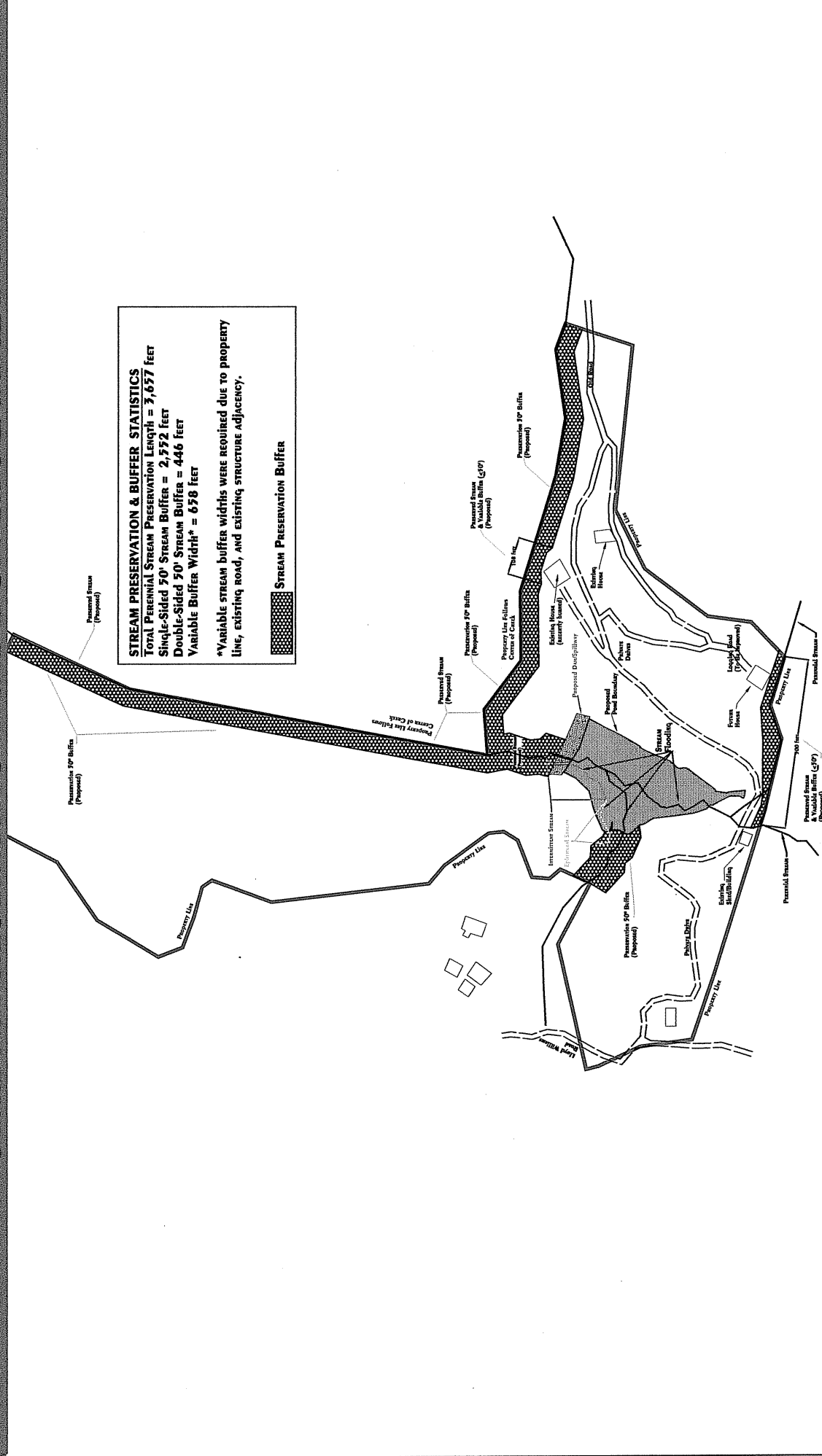


FIGURE
8

STREAM PRESERVATION AND BUFFER PLANVIEW 1

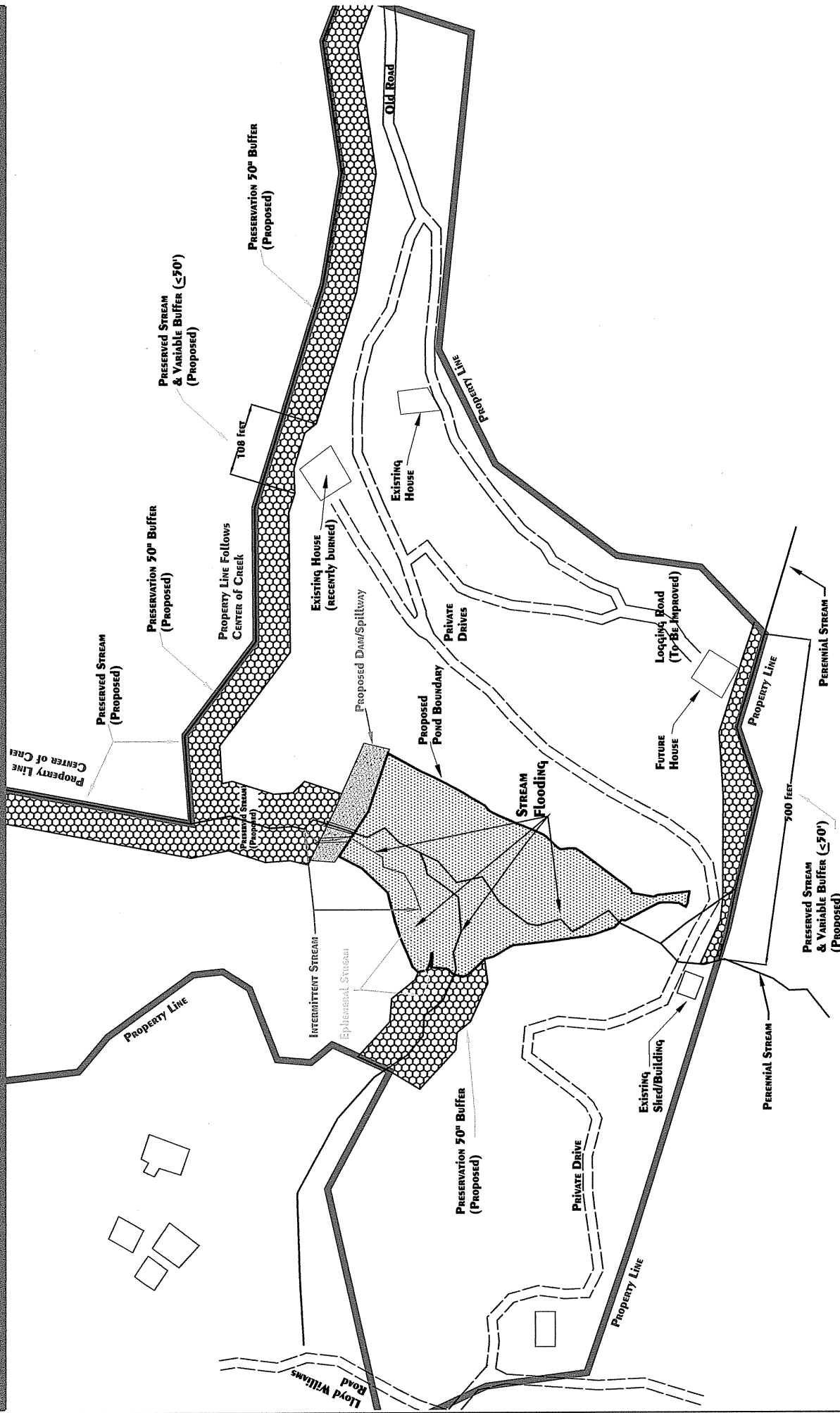


HENDERSON COUNTY

DATE REVISED:

9

STREAM PRESERVATION AND BUFFER PLANVIEW 2



FORK MOUNTAIN IMPOUNDMENT

HENDERSON COUNTY

DATE: 5/1/07

DATE Revised:

Application No. _____

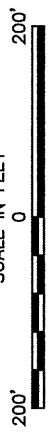
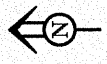


FIGURE
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